

Virginia Naturalizations, 1776–1900

Between 1779 and 1786, the Virginia General Assembly passed three acts dealing with naturalizations. Beginning in 1790, the federal government likewise passed legislation concerning the naturalization of foreigners. The following research note describes the laws addressing naturalizations passed by the state and federal governments, and where records and related material may be found in Virginia.

Naturalization Laws

In its session of 3 May 1779, the General Assembly passed an act “declaring who shall be deemed citizens of this commonwealth.” (William W. Hening, ed., *The Statutes at Large: Being a Collection of All of the Laws of Virginia, from the First Session of the Legislature, in the Year 1619 . . .* [1809–1823], 10:129). The act required applicants to give proof, by oath, that they intended to live in Virginia. Applicants also assured the court of their fidelity to the commonwealth. The clerk of court recorded the oath and issued the applicant a certificate. Foreign citizenship could be relinquished verbally in court or by a deed recorded in court. In its session of October 1783, the General Assembly passed a naturalization act similar to the 1779 act, stipulating that those who were naturalized could not hold political office for two years after taking the oath. Those who had married a citizen of Virginia or the United States, however, could hold office. (Hening, 11:322)

In its October 1786 session, the General Assembly passed another naturalization act. This revision of the 1783 act added the following new requirements. A man could not hold office until he had been a resident of the state for five years, or until he married a citizen. In addition, clerks of the court were required annually to transmit to the executive a list of persons who had taken the oath of naturalization (Hening, 12:261). Some of these reports may be found in the incoming correspondence to the executive. For example, a list from Prince George County for 1840–1841 is filed with the Executive Papers for March 1842. Reports to the governor were sporadic at best.

In 1790 the first federal naturalization law was passed. Individuals wishing to become naturalized could do so in any court of the land. The federal process was a two-step procedure and took a minimum of five years. A foreigner who had lived in the United States for a minimum of two years could file a declaration of intention to be naturalized. Three years after filing a declaration of intent, the foreigner could petition for naturalization. These two steps did not have to take place in the same court. For example, the intention to become naturalized may have been recorded in a Philadelphia court, while the petition for naturalization may have been recorded in the Henrico County court. At the time the petition for naturalization was filed in court, depositions by two witnesses attesting to the length of residence and character of the applicant may also have been filed. The newly-naturalized citizen was granted a certificate of naturalization. Researchers should examine the minute or order books for courts in the area in which the foreigner was a resident for naturalizations.

For more detailed information on the federal naturalization process, researchers may wish to consult Claire Pretchel-Klusken, “Location of Naturalization Records,” *The Record* 3 (November 1996): 21–22; Marian L. Smith, “‘Any Woman Who is Now or May Hereafter Be Married’: Women and Naturalization, 1802–1940,” *Prologue: Quarterly of the National Archives and Records Administration* 30 (Summer 1998), available at www.nara.gov; and Christina K. Schaefer, *Guide to Naturalization Records of the United States* (1997).

The 1790 federal law governing naturalizations was replaced by new legislation in 1802 requiring aliens to register with the clerk of the district court where they arrived. Some of these registrations may be found in county court records. Among the records of Arlington County, for example, is a volume entitled “Abstract of Report of Aliens for Persons Arriving in Alexandria with Intention to Reside in the U. S., 1801–1832.” The volume contains the following categories of information: name of the foreigner, sex, place of birth, age, nation, place of citizenship, occupation, place of intended residence, and who made the report. If a family arrived together, the names of the wife and children are listed under the name of the father. For further information on this volume see Conley L. Edwards, “Abstract of Reports of Aliens, Alexandria County 1801–1832,” *Virginia Genealogist* 24 (1980): 112–116, 172–176. Indexed naturalization petitions for Prince Edward County, 1901–1925, may be found in the microfilmed county court records (reel 44).

Naturalization Records

Naturalizations could be recorded in any court—federal, state, county, or city. In Virginia, when a city became incorporated by legislative act, it was allowed to have its own court of record. When researching naturalizations for individuals who lived in or near cities, it is necessary to examine the order or minute books for the county and city court (called the Hustings Court). A minute

or order book often has an index at the beginning of each volume. When looking for naturalizations, researchers should look in the index for the last name of the foreigner. Beside the last name will be the abbreviation *int* (for declaration of intention) or *nat* (for petition for naturalization). Generally the intention and petition for naturalization provide the name of the foreigner and country of former allegiance. These records may also include occupation, age, date of immigration, and the date the intention was filled. Examination of the minute or order books may provide the researcher with both the intention and the petition, or only one of these items. For further information on naturalizations in Virginia, researchers may wish to consult Elizabeth B. Wingo, *1784–1884: 100 Years: Naturalizations and Declarations of Intention: Norfolk Borough/City, Norfolk County (now Chesapeake), Princess Anne County (now Virginia Beach), Portsmouth, Eastern District Court, Virginia* (1987); Katherine G. Bushman, *Naturalization Records, Augusta County, Virginia, 1753–1902* (1992); and Joicey H. Lindsay, “Henrico County, Virginia Naturalizations, 1844–1858,” *Magazine of Virginia Genealogy* 22 (1987), 12–17.

The Library of Virginia holds the records of the United States District Court (Eastern), which was located in Richmond. Naturalizations were recorded in the U.S. District Court for foreigners living in Richmond or the surrounding county of Henrico. A list of seventy naturalizations (1799–1859) abstracted from these records is located in a ready-reference file labeled “U. S. District Court Naturalizations” in the Archives Research Room.

Some Virginia naturalization records are housed at the National Archives Mid-Atlantic region facility in Center City Philadelphia. For additional information, see Loretto Dennis Szucs, *They Became Americans: Finding Naturalization Records and Ethnic Origins* (1998).

Case Study

The search for a naturalization record is prompted by the desire to know the place of origin of a person. With this knowledge, the researcher can then examine the records of the country of origin. European records are frequently arranged on the local level; as a result, knowing only the country of origin may not be enough to uncover additional family information. For example, Joseph Hange (also spelled Hängy, Hanggit, and Hanky) was listed on the 1850 Henrico County census as a shoemaker from France. Hange’s naturalization, recorded in the Henrico County Order Book on 16 May 1870, also described him as a native of France. His vital statistics death record, recorded in Richmond City in 1879, stated that he was born in Germany.

In a case such as this, researchers must consider what other related records might exist. Church records may provide clues. (Consult *A Guide to Church Records in the Archives Branch, Virginia State Library*, and the Archives and Manuscripts catalog on the Library’s Web site, for holdings.) The marriages of Hange’s sons, Ignatius and Joseph, were recorded in the St. Mary’s Catholic Church records and describe the sons as being from Alsae or Alsace. The Richmond City coroner’s reports

for 1879 gave Hange's place of origin as Hirsingue. Alsace is divided into two departments, Haut-Rhin (including Hirsingue) and Haut-Bas—and the LDS church has filmed the parish records. Reference books on ethnic research (such as Ernest Thode's *Address Book for Germanic Genealogy* [6th edition, 1997] and Margaret Audin's *Barking Up That French Tree* [1980]), as well as historical atlases and geographical dictionaries, may be of assistance in locating additional information on an immigrant's origins.

Although minute books and order books are the first place to look for naturalizations, researchers must also be willing to examine other applicable records. If naturalization records found in the minute and order books do not provide a specific place of origin, researchers need to investigate other records in the locality where the foreign-born individual was a resident. Additional information may be found in vital statistics deaths and marriages (see Research Note 2), cemetery records, church or synagogue records, and coroner's records, if they exist.

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